

Robert J. Smith\*  
 Alicia S. Calagiovanni  
 James J. Gascon  
 Paul G. Ferrara\*\*  
 Maureen G. Fatcheric  
 Timothy J. Conan  
 John R. Langey  
 Daniel P. Fletcher  
 Zachary R. Benjamin

Anthony R. Hanley  
 Robert W. Connolly\*\*  
 Nicole Marlow-Jones  
 Donald S. DiBenedetto  
 Nadine C. Bell+  
 Wendy S. Lougnot  
 Melinda B. Bove  
 Jennifer L. Wang



**COSTELLO • COONEY • FEARON**  
 PLLC

Attorneys at law since 1896

500 PLUM STREET, SUITE 300 | SYRACUSE, NY 13204-1401  
 TEL. 315.422.1152 | FAX 315.422.1139  
 WWW.CCF-LAW.COM

Christopher M. Militello  
 Richard J. Andino  
 Elizabeth A. Hoffman  
 Daniel R. Rose

Megan E. Grimsley  
 Alexandra L. Condon  
 Erin K. Skuce  
 Matthew W. O'Neil

Carol C. Olech, Special Counsel  
 Jonathan P. McSherry, Special Counsel, CPA  
 Kevin P. Ryan, Special Counsel

\* Also admitted in Texas  
 \*\* Also admitted in Massachusetts  
 + Also admitted in Pennsylvania

Kevin M. Gilligan, Senior Counsel  
 Donald L. Nicholas, Of Counsel  
 Warren W. Bader, Of Counsel  
 Peter J. Corrigan, Of Counsel  
 Scott W. Bush, Of Counsel  
 John M. DeLaney, Of Counsel  
 Michael E. O'Connor, Of Counsel  
 Michael A. Tremont, Of Counsel  
 Dennis P. Hennigan, Of Counsel  
 James T. Stokes, Of Counsel

June 19, 2018

**VIA CM/ECF**

Honorable Therese Wiley Dancks  
 United States District Court  
 Federal Building and U.S. Courthouse  
 P.O. Box 7367  
 Syracuse, NY 13261-7367

**Re: Umesh Heendeniya vs. St. Joseph Hospital Health Center, et al.  
 Civil Action No.: 5:15-CV-1238 (GTS-TWD)**

Dear Judge Dancks:

On behalf of our clients St. Joseph's Hospital Health Center, Susan Lynn Cate, Rosaline Spinella, RN, Wendy Briscoe, RN, Joanne French, RN, Cynthia A. Rybak, NP, Kathryn Howe Ruscitto, Lowell A. Seifter, Meredith Price, Deborah Welch and Gael Gilbert ("St. Joseph Defendants"), we respectfully request that this Court deny Plaintiff's Affidavit request for a 3-month extension to file opposition to the St. Joseph's motion to dismiss for failure to prosecute. This Court has already provided Plaintiff with numerous courtesies of extensions in this case and yet no meaningful discovery has been served to date.

Finally, it is respectfully submitted that, since Plaintiff has failed to oppose the St. Joseph Defendants' motion, it should be granted in its entirety.

Respectfully,

COSTELLO, COONEY & FEARON, PLLC

Jennifer L. Wang  
 Bar Roll No. 516323

JLW/lja

cc (via e-file): John C. Jensen, Esq.  
 Kevin E. Hulslander, Esq.  
 Umesh Heendeniya